

TECHNICAL REVISIONS TO IMPROVE THE
UNITED STATES CODE

MAY 15, 2003.—Referred to the House Calendar and ordered to be printed

Mr. SENSENBRENNER, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 1437]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1437) to improve the United States Code, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

CONTENTS

	Page
General Explanation	1
Hearings	2
Committee Consideration	2
Vote of the Committee	2
Committee Oversight Findings	2
New Budget Authority and Tax Expenditures	2
Congressional Budget Office Cost Estimate	2
Performance Goals and Objectives	3
Constitutional Authority Statement	3
Section-by-Section Summary	3
Changes in Existing Law Made by the Bill	4
Markup Transcript	19

GENERAL EXPLANATION

Purpose.—The purpose of the bill is to improve the United States Code by making necessary technical changes without making any substantive change in existing law.

Background.—Public Law 107-217, which was enacted on August 21, 2002, revised, codified, and enacted without substantive change certain general and permanent laws related to public buildings, property, and works as title 40, United States Code, “Public

Buildings, Property, and Works”. This bill makes technical changes to Public Law 107–217 and related provisions. The Office of the Law Revision Counsel of the House of Representatives has prepared the bill and submitted it to the Committee as part of the responsibilities of the Office under section 285b of title 2, United States Code, to provide revisions in titles of the Code that have been enacted into positive law so that those titles may be kept current.

HEARINGS

Because H.R. 1437 makes technical changes without making any substantive change in existing law, the Committee did not hold any hearings on the bill.

COMMITTEE CONSIDERATION

At a meeting of the Committee on May 7, 2003, a quorum being present, H.R. 1437 was approved by a voice vote and ordered reported without amendment.

VOTE OF THE COMMITTEE

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee notes that during full Committee consideration of H.R. 1437 the Committee took no roll call votes.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because H.R. 1437 does not provide new budget authority or an increase in tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 1437, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 12, 2003.

Hon. F. JAMES SENSENBRENNER, Jr., *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1437, a bill to improve the United States Code.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford, who can be reached at 226-2860.

Sincerely,

DOUGLAS HOLTZ-EAKIN.

Enclosure

cc: Honorable John Conyers, Jr.
Ranking Member

H.R. 1437—A bill to improve the United States Code.

H.R. 1437 would make technical changes to laws related to public buildings, property, and works. CBO estimates that enacting the bill would result in no cost to the Federal Government. In addition, the bill would not affect direct spending or revenues. The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of State, local, or tribal governments.

The CBO staff contact for this estimate is Matthew Pickford, who can be reached at 226-2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

Clause 3(c)(4) of rule XIII of the Rules of the House of Representatives is inapplicable because H.R. 1437 does not authorize funding.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8 of the Constitution.

SECTION-BY-SECTION SUMMARY

SECTION 1—LEGISLATIVE PURPOSE AND CONSTRUCTION

Section 1 contains a statement of legislative purpose and effect and provisions to assist in interpreting and applying the provisions enacted by the bill.

SECTION 2—TECHNICAL CHANGES IN PUBLIC LAW 107-217

Section 2(a) amends the Schedule of Laws Repealed, which is contained in section 6(b) of Public Law 107-217 (116 Stat. 1304). Paragraphs (1) through (6) amend certain items to ensure proper description of provisions being repealed. Paragraph (7) amends an item to correct the column alignment. Paragraph (8) inserts addi-

tional items that were inadvertently omitted from the Schedule of Laws Repealed. These additional items represent provisions that were restated or determined to be executed or obsolete in the codification of title 40, United States Code.

Section 2(b) repeals section 6(b) of Public Law 107–217 (116 Stat. 1304) insofar as it relates to the repeal of four provisions, reviving the four provisions to read as if section 6(b) had not been enacted, to reflect that the four provisions remain in effect.

SECTION 3—TECHNICAL CHANGES IN TITLE 40, UNITED STATES CODE

Section 3(1) amends section 3304(b) of title 40, United States Code, to restore words that were inadvertently omitted in the restatement of section 5(a) of the Public Buildings Act of 1959 as section 3304(b).

Section 3(2) amends section 5107 of title 40, United States Code, to correct an error in section 1 of Public Law 107–217 (116 Stat. 1178).

SECTION 4—CONFORMING CROSS-REFERENCES

Section 4 makes conforming amendments related to cross-references contained in the Internal Revenue Code of 1986 and titles of the United States Code that have been enacted into positive law. These amendments are necessary because of the codification of title 40, United States Code, enacted by Public Law 107–217 (116 Stat. 1062).

SECTION 5—EFFECTIVE DATE

Section 5 provides an effective date for provisions enacted by the bill, including amendments and repeals made by the bill.

CHANGES IN EXISTING LAW MADE BY THE BILL

As required by clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown below. Existing law proposed to be omitted is enclosed in bold brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman.

CHANGES IN EXISTING LAW MADE BY SECTION 2 OF THE BILL (TECHNICAL CHANGES IN PUBLIC LAW 107–217)

SEC. 6. REPEALS.

* * *

Schedule of Laws Repealed Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code (title 40 unless otherwise specified)
			Volume	Page	
1920		* * *			
		* * *			

Schedule of Laws Repealed—Continued
Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code (title 40 unless otherwise specified)
			Volume	Page	
May 29	214	1 (1st complete par. on p. 642, words in par. under heading "Independent Treasury" on p. 654). * * *	41	642, 654	42, 285
1935		* * *			
July 8	374	1 (matter classified to 40:26)	49	469	26
		* * *			
1936 Apr. 17	233	1 (matter classified to 40:26)	49	1224	26
		* * *			
1940		* * *			
Sept. 9	717	([3d proviso] last proviso under heading "Military Posts"). * * *	54	873	269a
1942		* * *			
Sept. 9	558	1	56	750	174f
		2	56	751	174f note
		3	56	751	174g
		4	56	751	174h
		5	56	751	174i
		6	56	751	174j
		7	56	751	174f note
		* * *			
1943		* * *			
July 12	215	1 (matter classified to 40:435)	57	425	435
1944		* * *			
June 28	296	1 (matter classified to 40:435)	58	456	435
1945		* * *			
May 5	109	1 (matter classified to 40:435)	59	160	435
		* * *			
1946		* * *			
June 22	445	1 (matter classified to 40:435)	60	292	435
		* * *			

Schedule of Laws Repealed—Continued
Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code (title 40 unless otherwise specified)
			Volume	Page	
July 30	698	1	60	711	436
	.....	2	60	711	437
	.....	3	60	711	438
	.....	4	60	712	439
		* * *			
1947		* * *			
July 30	358	306 (matter classified to 40:19 note)	61	584	19 note
		* * *			
1949		* * *			
June 30	286	201 (matter classified to 40:284)	63	373	284
	288	[1-3] 1(b), 2, 3, 101-103, 106, 107, 109(a)-(c), (e)-(g), 110, 112, 201, 202(a)-(e), (g), (h), 203-212, 401-404, 601, 602(a), (c)-(e), 603, 605, 606, 801-806, 901-905.	63	377, 381, 382, 383, 385, 397, 399, 401, 403.	471, 471 notes, 472-476, 481, 483, 484, 485, 486-490, 491, 492, 511-514, 531, 531 note, 532-535, 541, 541 note, 542-544, 751-755, 756, 757, 758, 760
		* * *			
1950					
May 3	152	2	64	98	440
	.....	3	64	99	441
	.....	4	64	100	442
	.....	5	64	100	443
	.....	6	64	100	444
			* * *		
1952					
July 5	576	(3d proviso in 1st complete par. on p. 385[; proviso on p. 400]).	66	385[; 400] ...	60a[; 313-2]
	578	101 (proviso on p. 400)	66	400	313-2
		* * *			
1953					
July 30	282	108	67	231	459
July 31	299	([4th proviso] 3d proviso in 1st complete par. on p. 290, last proviso on p. 304).	67	290, 304	60a, 313-2
		* * *			
1954		* * *			
July 22	560	101 (related to redesignation of former "Sec. 411" as former "Sec. 412").	68	518	298a note

Schedule of Laws Repealed—Continued
Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code (title 40 unless otherwise specified)
			Volume	Page	
	.....	101 (related to new "Sec. 411")	68	518	356
	.....	102	68	521	357
	.....	103	68	521	356 note
		* * *			
Aug. 2	649	804	68	643	459
		* * *			
1955		* * *			
July 12	331	(related to redesignation of former "Sec. 412" as "Sec. 413").	69	297	298a note
	.....	(related to new "Sec. 412")	69	297	356a
		* * *			
Aug. 5	568	101 (matter classified to 40:166b note)	69	515	166b note
	.....	101 (matter classified to 40:166b-1)	69	515	166b-1
		* * *			
1956		* * *			
June 27	452	201 (matter classified to 40:459 note) ...	70	353	459 note
		* * *			
June 29	479	(3d [par.] proviso under heading "Department of Vehicles and Traffic").	70	447	60a
		* * *			
July 9	525	1	70	510	356
		* * *			
1957		* * *			
July 1	85-75	101 (matter classified to 40:166b-1)	71	251	166b-1
		* * *			
1961		* * *			
Aug. 10	87-130	101 (matter classified to 40:166b-1)	75	329	166b-1
		* * *			
1965		* * *			
Mar. 9	89-4	203 .....	.....	.....	40 App.:203
	.....	204 .....	.....	.....	40 App.:204
	.....	205 .....	.....	.....	40 App.:205
		* * *			
1973					

Schedule of Laws Repealed—Continued
Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code (title 40 unless otherwise specified)
			Volume	Page	
		* * *			
Aug. 6	93-83	[2] 2 "Sec. 525"	87	216	484
		* * *			
1976		* * *			
		* * *			
Oct. 18	94-541	101	90	2505	601 note
		102	90	2505	601a
		103(1), (2)	90	2505	606
		103(3) (related to "Sec. 12(d)")	90	2506	611
		103(3) (related to "Sec. 12(e)")	90	2506	490
		103(3) (related to "Sec. 12(e)")	90	2506	611
		104	90	2506	490
		* * *			
1979		* * *			
		* * *			
Oct. 12	96-86	101(c) [H.R. 4390, title I (matter classified to 40:166a)].	93	657	166a
[Oct. 17]	[96-88]	[509(b)]	[93]	[695]	[40 App.:202]
		* * *			
1990		* * *			
[Oct. 15]	[101-427] .....	.....	[104]	[927]	[40 App.:221]
		* * *			
Nov. 5	101-509	625	104	1476	490b note
		* * *			
1991		* * *			
		* * *			
Oct. 28	102-141	604	105	868	490b note
		* * *			
1992		* * *			
		* * *			
Oct. 6	102-393	604	106	1766	490b note
		* * *			
1993		* * *			
		* * *			
Oct. 28	103-123	603	107	1259	490b note
		* * *			
1994		* * *			
		* * *			
Sept. 30	103-329	603	108	2416	490b note

Schedule of Laws Repealed—Continued
Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code (title 40 unless otherwise specified)
			Volume	Page	
Oct. 13	103-355	1555, 4104(b), (c), [7301-7306] 7301-7305, 8301(b), 10005(a)(2), (b)(2), (f)(1), (2).	108	3300, 3341, 3382, 3396, 3406, 3408.	270a, 270a notes, 270d-1, 276d, 276d [notes]note, 276d-1— 276d-3, 329, 333, 334, 471 notes, 481, 541 note
1995		* * *			
Nov. 19	104-52	603	109	497	490b note
1996		* * *			
Sept. 30	104-208	101(f) [title VI, § 603]	110	3009-353	490b note
1997		* * *			
Oct. 10	105-61	603	111	1308	490b note
2002 Mar. 12	107-149	[116] 1-13	116 [66]	66 [40 App.:1 note, 2, 2 note, 101, 102, 104, 106, 202- 205, 207, 214, 224, 225, 302, 303, 401, 403, 405].	40 App.:1 note, 2, 2 note, 101, 102, 104, 106, 202- 205, 207, 214, 224, 225, 302, 303, 401, 403, 405

Revised Statutes

Revised Statutes Section	United States Code	
	Title	Section
355	40	255
1797	40	19
1800	40	45
1801	40	48
1802	40	54
1803	40	56
1804	40	57
1805	40	55
1807	40	46
1808	40	47
1809	40	49
1810	40	51
1811	40	52

Revised Statutes

<i>Revised Statutes Section</i>	<i>United States Code</i>	
	<i>Title</i>	<i>Section</i>
1812	40	50
1818	40	66
1819	40	192
1830	40	102
1835	40	221
3750	40	301
3751	40	306
3752	40	305
3753	40	308
3754	40	309
3755	40	310

CHANGES IN EXISTING LAW MADE BY SECTION 3 OF THE BILL
(TECHNICAL CHANGES IN TITLE 40, UNITED STATES CODE)

**TITLE 40—PUBLIC BUILDINGS,
PROPERTY, AND WORKS**

* * *

§ 3304. Acquisition of buildings and sites

* * *

(b) ACQUISITION OF LAND OR INTEREST IN LAND FOR USE AS SITES.—The Administrator may acquire, *by purchase, condemnation, donation, exchange, or otherwise*, land or an interest in land the Administrator considers necessary for use as sites, or additions to sites, for public buildings authorized to be constructed or altered under this chapter.

* * *

§ 5107. Concerts on grounds

Sections 5102, 5103, 5104(b)–(f), [5105, 5105] *5105, 5106*, and 5109 of this title and sections 9, 9A, 9B, and 9C of the Act of July 31, 1946 (ch. 707, 60 Stat. 719, 720), do not prohibit a band in the service of the Federal Government from giving concerts in the United States Capitol Grounds at times which will not interfere with Congress and as authorized by the Architect of the Capitol.

* * *

CHANGES IN EXISTING LAW MADE BY SECTION 4(a) OF THE BILL
(CONFORMING CROSS-REFERENCES—TITLE 5, UNITED STATES CODE)

TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES

* * *

§ 5334. Rate in change of position or type of appointment; regulations

(a) The rate of basic pay to which an employee is entitled is governed by regulations prescribed by the Office of Personnel Management in conformity with this subchapter and chapter 51 of this title when—

* * *

For the purpose of this subsection, an individual employed by the Appalachian Regional Commission under [section 106(2) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.)] *section 14306(a)(2) of title 40*, who was a Federal employee immediately prior to such employment by a commission and within 6 months after separation from such employment is employed in a position to which this subchapter applies, shall be treated as if transferred from a position in the executive branch to which this subchapter does not apply.

* * *

CHANGES IN EXISTING LAW MADE BY SECTION 4(b) OF THE BILL
(CONFORMING CROSS-REFERENCES—TITLE 10, UNITED STATES
CODE)

TITLE 10—ARMED FORCES

* * *

§ 2194. Education partnerships

* * *

(b) Under a partnership agreement entered into with an educational institution under this section, the director of a defense laboratory may provide, and is encouraged to provide, assistance to the educational institution by—

* * *

(2) notwithstanding the provisions of *subtitle I of title 40 and title III of the Federal Property and Administrative Services*

Act of 1949 [(40 U.S.C. 471 et seq.)] (*41 U.S.C. 251 et seq.*) or any provision of law or regulation relating to transfers of surplus property, transferring to the institution any computer equipment, or other scientific equipment, that is—

* * *

§ 2225. Information technology purchases: tracking and management

* * *

(b) DATA TO BE COLLECTED.—The data required to be collected under subsection (a) includes the following:

* * *

(9) A statement regarding whether the purchase was made in compliance with the planning requirements under [sections 5122 and 5123 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1422, 1423)] *sections 11312 and 11313 of title 40.*

* * *

§ 2305a. Design-build selection procedures

* * *

(c) PROCEDURES DESCRIBED.—Two-phase selection procedures consist of the following:

(1) The agency develops, either in-house or by contract, a scope of work statement for inclusion in the solicitation that defines the project and provides prospective offerors with sufficient information regarding the Government's requirements (which may include criteria and preliminary design, budget parameters, and schedule or delivery requirements) to enable the offerors to submit proposals which meet the Government's needs. If the agency contracts for development of the scope of work statement, the agency shall contract for architectural and engineering services as defined by and in accordance with [the Brooks Architect-Engineers Act (40 U.S.C. 541 et seq.)] *chapter 11 of title 40.*

* * *

§ 2667. Leases: non-excess property of military departments

* * *

(b) A lease under subsection (a)—

* * *

(5) may provide, notwithstanding section 1302 of title 40[,] or any other provision of law, for the alteration, repair, or improvement, by the lessee, of the property leased as the payment of part or all of the consideration for the lease.

* * *

§ 4553. Armament Retooling and Manufacturing Support Initiative

* * *

(d) CONSIDERATION FOR LEASES.—[Section 321 of the Act of June 30, 1932 (40 U.S.C. 303b),] *Section 1302 of title 40* shall not apply to uses of property or facilities in accordance with the ARMS Initiative.

* * *

§ 7422. Administration

* * *

(c)(1) In administering Naval Petroleum Reserves Numbered 1, 2, and 3, the Secretary is authorized and directed—

* * *

Any pipeline in the vicinity of a naval petroleum reserve not otherwise operated as a common carrier may be acquired by the Secretary by condemnation, if necessary, if the owner thereof refuses to accept, convey, and transport without discrimination and at reasonable rates any petroleum produced at such reserve. With the approval of the Secretary, rights-of-way for new pipelines and associated facilities may be acquired by the exercise of the right of eminent domain in the appropriate United States district court. Such rights-of-way may be acquired in the manner set forth in sections 3114-3116 and 3118 of title 40, and the prospective holder of the right-of-way is “the authority empowered by law to acquire the [lands” within the meaning of that Act] *land*” *within the meaning of those sections*. Such new pipelines shall accept, convey, and transport without discrimination and at reasonable rates any petroleum produced at such reserves as a common carrier.

* * *

§ 9781. Disposition of real property at missile sites

* * *

(g) If any real property interest of the United States described in subsection (a) is not purchased under the procedures provided in subsections (a) through (f), such tract may be disposed of only in accordance with subtitle I of title 40 and [subtitle III of the Federal Property and Administrative Services Act of 1949] *title III of the Federal Property and Administrative Services Act of 1949*[(41 U.S.C. 251 et seq.)] (*41 U.S.C. 251 et seq.*).

* * *

CHANGES IN EXISTING LAW MADE BY SECTION 4(c) OF THE BILL
(CONFORMING CROSS-REFERENCES—TITLE 13, UNITED STATES
CODE)

TITLE 13—CENSUS

* * *

§ 15. Leases for 1980 decennial census

The 15 percent limitation contained in section 322 of the Act of June 30, 1932 (47 Stat. 412[; 40 U.S.C. 278a]) shall not apply to leases entered into by the Secretary for the purpose of carrying out the 1980 decennial census, but no lease may be entered into for such purpose at a rental in excess of 105 percent of the appraised fair annual rental of the leased premises, or a proportionate part of the appraised fair annual rental in the case of a lease for less than a year.

* * *

CHANGES IN EXISTING LAW MADE BY SECTION 4(d) OF THE BILL
(CONFORMING CROSS-REFERENCES—TITLE 23, UNITED STATES
CODE)

TITLE 23—HIGHWAYS

* * *

§ 104. Apportionment

(a) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—Whenever an apportionment is made of the sums made available for expenditure on each of the surface transportation program under section 133, the bridge program under section 144, the congestion mitigation and air quality improvement program under section 149, the Interstate and National Highway System program, the minimum guarantee program under section 105, the Federal lands highway program under section 204, or the Appalachian development highway system program under [section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.)] *section 14501 of title 40*, the Secretary shall deduct a sum, in an amount not to exceed—

* * *

CHANGES IN EXISTING LAW MADE BY SECTION 4(e) OF THE BILL
(CONFORMING CROSS-REFERENCES—INTERNAL REVENUE CODE OF
1986)

§ 7608. Authority of internal revenue enforcement officers

* * *

(c) Rules relating to undercover operations

**(1) Certification required for exemption of undercover
operations from certain laws**

* * *

(A) sums authorized to be appropriated for the Service
may be used—

(i) to purchase property, buildings, and other facilities,
and to lease space, within the United States, the Dis-
trict of Columbia, and the territories and possessions
of the United States without regard to—

* * *

(IV) section 8141 of [title 40] *title 40, United
States Code*, and

* * *

CHANGES IN EXISTING LAW MADE BY SECTION 4(f) OF THE BILL
(CONFORMING CROSS-REFERENCES—TITLE 31, UNITED STATES
CODE)

TITLE 31—MONEY AND FINANCE

* * *

§ 1105. Budget contents and submission to Congress

* * *

(g)(1) The Director of the Office of Management and Budget shall
establish the funding for advisory and assistance services for each
department and agency as a separate object class in each budget
annually submitted to the Congress under this section.

(2)(A) In paragraph (1), except as provided in subparagraph (B),
the term “advisory and assistance services” means the following
services when provided by nongovernmental sources:

(i) Management and professional support services.

(ii) Studies, analyses, and evaluations.

(iii) Engineering and technical services.

(B) In paragraph (1), the term “advisory and assistance services”
does not include the following services:

- (i) Routine automated data processing and telecommunications services unless such services are an integral part of a contract for the procurement of advisory and assistance services.
- (ii) Architectural and engineering services, as defined in *section 1102* of title 40.

* * *

§ 9303. Use of Government obligations instead of surety bonds

* * *

(d) When security is no longer required, a Government obligation given instead of a surety bond shall be returned to the person giving the obligation. If a person, supplying labor or material to a contractor defaulting under sections 3131 and 3133 of title 40, files with the United States Government the application and affidavit provided under section 3133(a) of title 40, the Government—

- (1) may return to the contractor the Government obligation given as security (or proceeds of the Government obligation given) under sections 3131 and 3133 of title 40[,] only after the 90-day period for bringing a civil action under section 3133(b) of title 40; and

* * *

CHANGES IN EXISTING LAW MADE BY SECTION 4(g) OF THE BILL
(CONFORMING CROSS-REFERENCES—TITLE 35, UNITED STATES
CODE)

TITLE 35—PATENTS

* * *

§ 2. Powers and duties

* * *

(b) SPECIFIC POWERS.—The Office—

* * *

- (4)(A) may make such purchases, contracts for the construction, maintenance, or management and operation of facilities, and contracts for supplies or services, without regard to the provisions of [the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Public Buildings Act (40 U.S.C. 601 et seq.),] *subtitle I and chapter 33 of title 40, title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), and the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.); and*

* * *

CHANGES IN EXISTING LAW MADE BY SECTION 4(h) OF THE BILL
(CONFORMING CROSS-REFERENCES—TITLE 36, UNITED STATES
CODE)

**TITLE 36—PATRIOTIC AND NATIONAL
OBSERVANCES, CEREMONIES,
AND ORGANIZATIONS**

* * *

§ 2113. World War II memorial in the District of Columbia

(a) SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS.—(1)

* * *

(2) In this section, the term “World War II memorial” means the memorial authorized by Public Law 103-32 [(40 U.S.C. 1003 note)] (*40 U.S.C. 8903 note*) to be established by the Commission on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that war.

* * *

(c) USE OF FUND.—The fund shall be available to the Commission—

(1) for the expenses of establishing the World War II memorial, including the maintenance and preservation amount provided for in [section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b))] *section 8906(b) of title 40*;

* * *

(e) TREATMENT OF BORROWING AUTHORITY.—In determining whether the Commission has sufficient funds to complete construction of the World War II memorial, as required by [section 8 of the Commemorative Works Act (40 U.S.C. 1008)] *section 8906 of title 40*, the Secretary of the Interior shall consider the funds that the Commission may borrow from the Treasury under subsection (d) as funds available to complete construction of the memorial, whether or not the Commission has actually exercised the authority to borrow such funds.

* * *

(h) EXTENSION OF AUTHORITY TO ESTABLISH MEMORIAL.—Notwithstanding [section 10 of the Commemorative Works Act (40 U.S.C. 1010)] *section 8903(e) of title 40*, the authority for the construction of the World War II memorial provided by Public Law 103-32 [(40 U.S.C. 1003 note)] (*40 U.S.C. 8903 note*) expires on December 31, 2005.

* * *

CHANGES IN EXISTING LAW MADE BY SECTION 4(i) OF THE BILL
(CONFORMING CROSS-REFERENCES—TITLE 38, UNITED STATES
CODE)

TITLE 38—VETERANS' BENEFITS

* * *

§ 8162. Enhanced-use leases

(a)(1) The Secretary may . . .

* * *

(3) The provisions of sections 3141–3144, 3146, and 3147 of title 40[,] shall not, by reason of this section, become inapplicable to property that is leased to another party under an enhanced-use lease.

* * *

§ 8165. Use of proceeds

* * *

(c) Subsection (a) does not affect the applicability of subchapter IV of chapter 5 of title 40[,] with respect to reimbursement of the Administrator of General Services for expenses arising from any disposal of property under section 8164 of this title.

* * *

CHANGES IN EXISTING LAW MADE BY SECTION 4(j) OF THE BILL
(CONFORMING CROSS-REFERENCES—TITLE 39, UNITED STATES
CODE)

TITLE 39—POSTAL SERVICE

* * *

§ 410. Application of other laws

* * *

(d)(1) A lease agreement by the Postal Service for rent of net interior space in excess of 6,500 square feet in any building or facility, or part of a building or facility, to be occupied for purposes of the Postal Service shall include a provision that all laborers and mechanics employed in the construction, modification, alteration, repair, painting, decoration, or other improvement of the building or space covered by the agreement, or improvement at the site of such building or facility, shall be paid wages at not less than those

prevailing for similar work in the locality as determined by the Secretary of Labor under [section 276a of title 40] *section 3142 of title 40*.

(2) The authority and functions of the Secretary of Labor with respect to labor standards enforcement under Reorganization Plan numbered 14 of 1950 (title 5, appendix), and regulations for contractors and subcontractors under [section 276c of title 40] *section 3145 of title 40*, shall apply to the work under paragraph (1) of this subsection.

* * *

CHANGES IN EXISTING LAW MADE BY SECTION 4(k) OF THE BILL
(CONFORMING CROSS-REFERENCES—TITLE 49, UNITED STATES
CODE)

TITLE 49—TRANSPORTATION

* * *

§ 40110. General procurement authority

* * *

(d) ACQUISITION MANAGEMENT SYSTEM.—

* * *

(2) APPLICABILITY OF FEDERAL ACQUISITION LAW.—The following provisions of Federal acquisition law shall not apply to the new acquisition management system developed and implemented pursuant to paragraph (1):

* * *

[(G) The Brooks Automatic Data Processing Act (40 U.S.C. 759).]

[(H)G] The Federal Acquisition Regulation and any laws not listed in [subparagraphs (A) through (G)] *subparagraphs (A) through (F)* providing authority to promulgate regulations in the Federal Acquisition Regulation.

* * *

MARKUP TRANSCRIPT
BUSINESS MEETING
WEDNESDAY, MAY 7, 2003

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 10:00 a.m., in Room 2141, Rayburn House Office Building, Hon. F. James Sensenbrenner, Jr. [Chairman of the Committee] presiding.
[Intervening business.]

Chairman SENSENBRENNER. The next item on the agenda pursuant to notice, I now call up the bill H.R. 1437, to improve the United States Code, for purposes of markup and move its favorable recommendation to the full House. Without objection, the bill will be considered as read and open for amendment at any point.

[The bill, H.R. 1437, follows:]

108TH CONGRESS
1ST SESSION

H. R. 1437

To improve the United States Code.

IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 2003

Mr. SENSENBRENNER (for himself and Mr. CONYERS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To improve the United States Code.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. LEGISLATIVE PURPOSE AND CONSTRUCTION.**

4 (a) **PURPOSE.**—The purpose of this Act is to improve
5 the United States Code by making necessary technical
6 changes.

7 (b) **NO SUBSTANTIVE CHANGE.**—This Act makes no
8 substantive change in existing law and may not be con-
9 strued as making a substantive change in existing law.

10 (c) **SEVERABILITY.**—If a provision enacted by this
11 Act is held invalid, all valid provisions that are severable
12 from the invalid provision remain in effect. If a provision

1 enacted by this Act is held invalid in any of its applica-
2 tions, the provision remains valid for all valid applications
3 that are severable from any of the invalid applications.

4 **SEC. 2. TECHNICAL CHANGES IN PUBLIC LAW 107-217.**

5 (a) TECHNICAL CHANGES IN SCHEDULE OF LAWS
6 REPEALED.—The Schedule of Laws Repealed, which is
7 contained in section 6(b) of Public Law 107–217 (116
8 Stat. 1304), is amended as follows:

9 (1) In the item related to the Act of May 29,
10 1920 (ch. 214, 41 Stat. 642, 654), insert “on p.
11 654” after “words in par. under heading ‘Inde-
12 pendent Treasury’”.

13 (2) In the item related to the Act of September
14 9, 1940 (ch. 717, 54 Stat. 873), strike “3d proviso”
15 and substitute “last proviso”.

16 (3) In the item related to the Act of July 5,
17 1952 (ch. 576, 66 Stat. 385, 400), strike “, proviso
18 on p. 400” (in the Section column), “, 400” (in the
19 Page column), and “, 313–2” (in the U.S. Code col-
20 umn) and insert, immediately below, “578” (in the
21 Chapter or Public Law column), “101 (proviso on p.
22 400)” (in the Section column), “66” (in the Volume
23 column), “400” (in the Page column), and “313–2”
24 (in the U.S. Code column).

1 (4) In the item related to the Act of July 31,
 2 1953 (ch. 299, 67 Stat. 290), strike “4th proviso”
 3 and substitute “3d proviso”.

4 (5) In the item related to the Act of June 29,
 5 1956 (ch. 479, 70 Stat. 447), strike “par.” and sub-
 6 stitute “proviso”.

7 (6) In the item related to the Act of August 6,
 8 1973 (Public Law 93–83, 87 Stat. 216), strike “2”
 9 (in the Section column) and substitute “2 ‘Sec.
 10 525’”.

11 (7) In the item related to the Act of March 12,
 12 2002 (Public Law 107–149, 116 Stat. 66), shift to
 13 the right one column the matter in the Section, Vol-
 14 ume, and Page columns and insert, in the Section
 15 column, “1–13”.

16 (8) Insert the following items:

Schedule of Laws Repealed
 Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code (title 40 unless otherwise specified)
			Volume	Page	
1935 July 8	374	1 (matter classified to 40:26)	49	469	26
1936 Apr. 17	233	1 (matter classified to 40:26)	49	1224	26
1942 Sept. 9	558	1	56	750	174f
		2	56	751	174f note
		3	56	751	174g
		4	56	751	174h
		5	56	751	174i
		6	56	751	174j
		7	56	751	174f note

Schedule of Laws Repealed—Continued
Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code (title 40 unless otherwise specified)
			Volume	Page	
1943 July 12	215	1 (matter classified to 40:435)	57	425	435
1944 June 28	296	1 (matter classified to 40:435)	58	456	435
1945 May 5	109	1 (matter classified to 40:435)	59	160	435
1946 June 22	445	1 (matter classified to 40:435)	60	292	435
July 30	698	1	60	711	436
		2	60	711	437
		3	60	711	438
		4	60	712	439
1947 July 30	358	306 (matter classified to 40:19 note).	61	584	19 note
1949 June 30	286	201 (matter classified to 40:284).	63	373	284
1950 May 3	152	2	64	98	440
		3	64	99	441
		4	64	100	442
		5	64	100	443
		6	64	100	444
1953 July 30	282	108	67	231	459
1954 July 22	560	101 (related to redesignation of former "Sec. 411" as former "Sec. 412").	68	518	298a note
		101 (related to new "Sec. 411").	68	518	356
		102	68	521	357
		103	68	521	356 note
Aug. 2	649	804	68	643	459
1955 July 12	331	(related to redesignation of former "Sec. 412" as "Sec. 413").	69	297	298a note
		(related to new "Sec. 412") ...	69	297	356a
Aug. 5	568	101 (matter classified to 40:166b note).	69	515	166b note
		101 (matter classified to 40:166b-1).	69	515	166b-1
1956 June 27	452	201 (matter classified to 40:459 note).	70	353	459 note
July 9	525	1	70	510	356
1957 July 1	85-75 ...	101 (matter classified to 40:166b-1).	71	251	166b-1
1961 Aug. 10	87-130 ..	101 (matter classified to 40:166b-1).	75	329	166b-1

Schedule of Laws Repealed—Continued
Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code (title 40 unless otherwise specified)
			Volume	Page	
1965 Mar. 9	89-4	203 .....	.....	.....	40 App.:203
	.....	204 .....	.....	.....	40 App.:204
	.....	205 .....	.....	.....	40 App.:205
1976 Oct. 18	94-541 ..	101	90	2505	601 note
	.....	102	90	2505	601a
	.....	103(1), (2)	90	2505	606
	.....	103(3) (related to "Sec. 12(d)").	90	2506	611
	.....	103(3) (related to "Sec. 12(e)").	90	2506	490
	.....	103(3) (related to "Sec. 12(e)").	90	2506	611
	.....	104	90	2506	490
1979 Oct. 12	96-86 ...	101(c) [H.R. 4390, title 1 (matter classified to 40:166a)].	93	657	166a
1990 Nov. 5	101-509	625	104	1476	490b note
1991 Oct. 28	102-141	604	105	868	490b note
1992 Oct. 6	102-393	604	106	1766	490b note
1993 Oct. 28	103-123	603	107	1259	490b note
1994 Sept. 30	103-329	603	108	2416	490b note
1995 Nov. 19	104-52 ..	603	109	497	490b note
1996 Sept. 30	104-208	101(f) [title VI, § 603	110	3009-353.	490b note
1997 Oct. 10	105-61 ..	603	111	1308	490b note

Revised Statutes

Revised Statutes Section	United States Code	
	Title	Section
355	40	255
1797	40	19
1800	40	45
1801	40	48
1802	40	54
1803	40	56
1804	40	57
1805	40	55
1807	40	46
1808	40	47
1809	40	49
1810	40	51

Revised Statutes

Revised Statutes Section	United States Code	
	Title	Section
1811	40	52
1812	40	50
1818	40	66
1819	40	192
1830	40	102
1835	40	221
3750	40	301
3751	40	306
3752	40	305
3753	40	308
3754	40	309
3755	40	310

1 (b) REVIVAL OF CERTAIN PROVISIONS.—Section 6(b)
2 of Public Law 107–217 (116 Stat. 1304) is repealed inso-
3 far as it relates to the provisions listed below, and the pro-
4 visions listed below are revived to read as if section 6(b)
5 had not been enacted:

6 (1) Section 1(a) of the Act of June 30, 1949
7 (ch. 288, 63 Stat. 377).

8 (2) Section 509(b) of the Department of Edu-
9 cation Organization Act (Public Law 96–88, 93
10 Stat. 695).

11 (3) Public Law 101–427 (104 Stat. 927).

12 (4) Section 7306 of the Federal Acquisition
13 Streamlining Act of 1994 (Public Law 103–355,
14 108 Stat. 3384).

15 **SEC. 3. TECHNICAL CHANGES IN TITLE 40, UNITED STATES**
16 **CODE.**

17 Title 40, United States Code, is amended as follows:

1 (1) In section 3304(b), insert “, by purchase,
2 condemnation, donation, exchange, or otherwise,”
3 after “may acquire”.

4 (2) In section 5107, strike “5105, 5105” and
5 substitute “5105, 5106”.

6 **SEC. 4. CONFORMING CROSS-REFERENCES.**

7 (a) TITLE 5.—In section 5334(a) (matter after cl.
8 (7)) of title 5, United States Code, strike “section 106(2)
9 of the Appalachian Regional Development Act of 1965 (40
10 U.S.C. App.)” and substitute “section 14306(a)(2) of title
11 40”.

12 (b) TITLE 10.—Title 10, United States Code, is
13 amended as follows:

14 (1) In section 2194(b)(2)—

15 (A) insert “subtitle I of title 40 and title
16 III of” before “the Federal”; and

17 (B) strike “(40 U.S.C. 471 et seq.)” and
18 substitute “(41 U.S.C. 251 et seq.)”.

19 (2) In section 2225(b)(9), strike “sections 5122
20 and 5123 of the Clinger-Cohen Act of 1996 (40
21 U.S.C. 1422, 1423)” and substitute “sections 11312
22 and 11313 of title 40”.

23 (3) In section 2305a(e)(1), strike “the Brooks
24 Architect-Engineers Act (40 U.S.C. 541 et seq.)”
25 and substitute “chapter 11 of title 40”.

1 (4) In section 2667(b)(5), as amended by sec-
2 tion 3(b)(12)(B) of Public Law 107–217 (116 Stat.
3 1296), strike the comma appearing after “of title
4 40”.

5 (5) In section 4553(d), strike “Section 321 of
6 the Act of June 30, 1932 (40 U.S.C. 303b),” and
7 substitute “Section 1302 of title 40”.

8 (6) In section 7422(c)(1) (matter after cl. (D)),
9 strike “lands’ within the meaning of that Act” and
10 substitute “land’ within the meaning of those sec-
11 tions”.

12 (7) In section 9781(g), as amended by section
13 3(b)(40)(C) of Public Law 107-217 (116 Stat.
14 1298)—

15 (A) strike “subtitle III of the Federal
16 Property and Administrative Services Act of
17 1949” and substitute “title III of the Federal
18 Property and Administrative Services Act of
19 1949”; and

20 (B) strike “. (41 U.S.C. 251 et seq.)” and
21 substitute “(41 U.S.C. 251 et seq.)”.

22 (c) TITLE 13.—In section 15 of title 13, United
23 States Code, strike “; 40 U.S.C. 278a”.

24 (d) TITLE 23.—In section 104(a)(1) of title 23,
25 United States Code, strike “section 201 of the Appa-

1 lachian Regional Development Act of 1965 (40 U.S.C.
2 App.)” and substitute “section 14501 of title 40”.

3 (e) THE INTERNAL REVENUE CODE OF 1986.—In
4 section 7608(c)(1)(A)(i)(IV) of the Internal Revenue Code
5 of 1986 (26 U.S.C. 7608(c)(1)(A)(i)(IV)), as amended by
6 section 3(f) of Public Law 107–217 (116 Stat. 1299),
7 strike “title 40” and substitute “title 40, United States
8 Code”.

9 (f) TITLE 31.—Title 31, United States Code, is
10 amended as follows:

11 (1) In section 1105(g)(2)(B)(ii), as amended by
12 section 3(h)(3) of Public Law 107–217 (116 Stat.
13 1299), insert “section” before “1102 of title 40”.

14 (2) In section 9303(d)(1), as amended by sec-
15 tion 3(h)(9)(B)(i) of Public Law 107–217 (116 Stat.
16 1300), strike the comma appearing after “sections
17 3131 and 3133 of title 40”.

18 (g) TITLE 35.—In section 2(b)(4)(A) of title 35,
19 United States Code, strike “the Federal Property and Ad-
20 ministrative Services Act of 1949 (40 U.S.C. 471 et seq.),
21 the Public Buildings Act (40 U.S.C. 601 et seq.),” and
22 substitute “subtitle I and chapter 33 of title 40, title III
23 of the Federal Property and Administrative Services Act
24 of 1949 (41 U.S.C. 251 et seq.),”.

1 (h) TITLE 36.—Section 2113 of title 36, United
2 States Code, is amended as follows:

3 (1) In subsection (a)(2), strike “(40 U.S.C.
4 1003 note)” and substitute “(40 U.S.C. 8903
5 note)”.

6 (2) In subsection (c)(1), strike “section 8(b) of
7 the Commemorative Works Act (40 U.S.C.
8 1008(b))” and substitute “section 8906(b) of title
9 40”.

10 (3) In subsection (e), strike “section 8 of the
11 Commemorative Works Act (40 U.S.C. 1008)” and
12 substitute “section 8906 of title 40”.

13 (4) In subsection (h)—

14 (A) strike “section 10 of the Commemora-
15 tive Works Act (40 U.S.C. 1010)” and sub-
16 stitute “section 8903(e) of title 40”; and

17 (B) strike “(40 U.S.C. 1003 note)” and
18 substitute “(40 U.S.C. 8903 note)”.

19 (i) TITLE 38.—Title 38, United States Code, is
20 amended as follows:

21 (1) In section 8162(a)(3), as amended by sec-
22 tion 3(j)(5)(B) of Public Law 107–217 (116 Stat.
23 1301), strike the comma appearing after “of title
24 40”.

1 (2) In section 8165(e), as amended by section
2 3(j)(6) of Public Law 107–217 (116 Stat. 1301),
3 strike the comma appearing after “of title 40”.

4 (j) TITLE 39.—Section 410(d) of title 39, United
5 States Code, is amended as follows:

6 (1) In paragraph (1), strike “section 276a of
7 title 40” and substitute “section 3142 of title 40”.

8 (2) In paragraph (2), strike “section 276c of
9 title 40” and substitute “section 3145 of title 40”.

10 (k) TITLE 49.—In section 40110(d)(2) of title 49,
11 United States Code—

12 (1) strike clause (G);

13 (2) redesignate clause (H) as clause (G); and

14 (3) in clause (G) as redesignated, strike “sub-
15 paragraphs (A) through (G)” and substitute “sub-
16 paragraphs (A) through (F)”.

17 **SEC. 5. EFFECTIVE DATE.**

18 This Act and amendments and repeals made by this
19 Act are effective August 21, 2002.

○

Chairman SENSENBRENNER. And I recognize myself for 5 minutes to explain the bill briefly.

Mr. Conyers and I introduced this bill to make technical changes to Public Law 107-217 and title 40 of the U.S. Code. Last year the Committee passed by a voice vote H.R. 2068, without substantive change, certain general and permanent laws relating to public buildings, property, and works in title 40. The bill was considered under suspension of the rules, passed the House, and was signed by the President on August 21 of last year.

This bill makes further technical changes to that law and related provisions. Pursuant to House rule X, the Committee on the Judiciary maintains jurisdiction over revised codifications of statutes of the United States. The Office of Law Revision Counsel of the House has prepared this bill and submitted it to this Committee under section 285(b) of title 2, U.S. Code. And the bill was circulated to other committees of interest for comment. The Office of Law Revision Counsel has stated that the bill makes no changes to the substance of existing law.

I yield back the balance of my time. Does the gentleman from Virginia wish to make a statement on behalf of the minority?

Mr. SCOTT. No, thank you.

Chairman SENSENBRENNER. Without objection, all Members may include opening statements at this point.

Are there amendments? Are there amendments? If there are no amendments, a reporting quorum not being present, without objection, the previous question is ordered on reporting the bill favorably.

[Intervening business.]

The unfinished business is the motion to report favorably the bill H.R. 1437, to improve the United States Code. The Chair notes the presence of a reporting quorum.

Those in favor of reporting the bill favorably will say aye.

Opposed, no.

The ayes appear to have it. The ayes have it, and the bill is reported favorably.

Without objection, the Chair is authorized to go to conference pursuant to House rules. Without objection, the staff will be given authority to make technical and conforming changes, and all Members will be given 2 days, pursuant to House rules, in which to submit additional minority or supplemental or dissenting views.